

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No.: 1:05-CR-79
)	(VARLAN/CARTER)
LAJUAN HARDY)	

ORDER

This criminal case is before the Court for consideration of the Report and Recommendation entered by United States Magistrate Judge William B. Mitchell Carter on December 12, 2005 [Doc. 36]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51. Magistrate Judge Carter concluded that 18 U.S.C. § 1951 incorporates a criminal intent element that is not abrogated by the statute's "fear of injury" language, and defendant's argument that the statute violates due process is without merit. Consequently, Magistrate Judge Carter recommended that the Court deny defendant's motion to strike each count of the indictment [Doc. 25].

The Court has carefully reviewed this matter, including the underlying pleading. [*See* Doc. 26]. The Court is in agreement with Magistrate Judge Carter's recommendation, which the Court hereby adopts and incorporates into its ruling. Accordingly, defendant's motion

to strike each count of the indictment [Doc. 25] is **DENIED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE